

Hearing Date: September 13, 2012  
Hearing Time: 10:00 a.m. (prevailing Eastern time)

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11  
DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)  
Reorganized Debtors. : (Jointly Administered)  
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PROPOSED SEVENTY-EIGHTH OMNIBUS HEARING AGENDA

Location Of Hearing: United States Bankruptcy Court for the Southern District of New York,  
300 Quarropas Street, Room 118, White Plains, New York 10601-4140

The matters set for hearing are divided into the following categories for the purposes of this Proposed Seventy-Eighth Omnibus Hearing Agenda:

- A. Introduction
- B. Continued Or Adjourned Matters (None)
- C. Uncontested, Agreed, Withdrawn, Or Settled Matters (1 Matter)
- D. Contested Matters (None)
- E. Adversary Proceedings – Status Conference (3 Matters)

**A. Introduction**

*None.*

**B. Continued Or Adjourned Matters\***

*None.*

**C. Uncontested, Agreed, Withdrawn, Or Settled Matters**

- 1. **"Motion by James Grai To Lift Stay" --** Amended Notice Of Motion, Pursuant To Section 362 Of The Bankruptcy Code, For An Order Modifying The Automatic Stay (Docket No. 21682)

*Responses filed: Response To Letter Submitted By James Michael Grai (Docket No. 21652)*

*Response And Limited Objection Of The ACE Companies To The Amended Motion Of James Grai Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay And Amended Motion For Joinder Of Parties (Docket No. 21708)*

*Reorganized Debtors' Objection To Amended Notice Of Motion, Pursuant To Section 362 Of The Bankruptcy Code, For An Order Modifying The Automatic Stay And Related Papers (Docket No. 21710)*

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\* The motion found at the following docket number that appeared on a previous Proposed Omnibus Hearing Agenda has been voluntarily withdrawn from the agenda and would need to be re-noticed under the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 17, 2006 (Docket No. 2883), to be reinstated on a future Proposed Omnibus Hearing Agenda: Methode Electronics, Inc.'s Setoff Motion [Docket No. 4912].

*Michigan Defendants' Response To Amended Motion For Joinder Of Parties And Amended Motion Of James Grai Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay (Docket No. 21711)*

*Supplemental Response To Motion For Joinder Of Parties And Amended Motion By James Grai Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay (Docket No. 21719)*

*Replies filed: Reorganized Debtors' Reply And Supplemental Objection To Amended Notice Of Motion, Pursuant To Section 362 Of The Bankruptcy Code, For An Order Modifying The Automatic Stay And Related Papers (Docket No. 21721)*

*Related filings: Letter Requesting Relief From The Stay So That The State Of Michigan State Worker's Compensation Commission Can Disburse The Allocated Funds To Disabled Workers Filed By James Michael Grai (Docket No. 21574)*

*Joinder To Lift Automatic Stay (Docket No. 21665)*

*Defendants Michigan Workers' Compensation Agency's And Michigan Funds Administration's Response To Letter Written By James Michael Grai (Docket No. 21666)*

*Notice Of Change Of Time Of Seventy-Second Omnibus Hearing And Fiftieth Claims Hearing (Docket No. 21690)*

*Joint Stipulation And Agreed Order Resolving (I) Letter From James Michael Grai Dated September 3, 2011, (II) Debtors' Motion Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay And Notice Of Motion For Joinder Of Parties, And (III) Amended Motion Of James Grai Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay And Amended Motion For Joinder Of Parties (Docket No. 21951)*

*Status: This matter has been resolved pursuant to the Joint Stipulation And Agreed Order Resolving (I) Letter From James Michael Grai Dated September 3, 2011, (II) Debtors' Motion Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay And Notice Of Motion For Joinder Of Parties, And (III) Amended Motion Of James Grai Pursuant To Section 362 Of The Bankruptcy Code To Modify Automatic Stay And Amended Motion For Joinder Of Parties (Docket No. 21951).*

**D. Contested Matters**

*None.*

**E. Adversary Proceedings – Status Conference**

2. **"Michigan Defendants' Amended Motion To Dismiss"** – Defendants Michigan Workers' Compensation Agency's And Michigan Funds Administration's Joint Amended Motion To Dismiss Plaintiffs' Adversary Complaint And DPH Holdings Crossclaim For Failure To State A Claim, Lack Of Jurisdiction, And In The Alternative, For Abstention (Ad. Pro. Case No. 09-01510 Docket No. 43)

Responses filed: *Plaintiffs' Brief In Response To The (I) Joint Reply And (II) Amended Motion To Dismiss Of State Of Michigan Workers' Compensation Agency And State Of Michigan Funds Administration (Ad. Pro. Case No. 09-01510 Docket No. 54)*

*Declaration Of Lewis R. Olshin In Support Of Plaintiffs' Response (Ad. Pro. Case No. 09-01510 Docket No. 55)*

*Supplemental Memorandum Of DPH Holdings Corp. (Formerly Delphi Corporation) In Opposition To Defendants Michigan Workers' Compensation Agency's And Michigan Funds Administration's Joint Amended Motion To Dismiss Plaintiffs' Adversary Complaint And DPH Holdings Crossclaim For Failure To State A Claim, Lack Of Jurisdiction, And In The Alternative, For Abstention (Ad. Pro. Case No. 09-01510 Docket No. 57)*

*Replies filed: None.*

*Related filings: Complaint (Ad. Pro. Case No. 09-01510 Docket No. 1)*

*(I) Answer To Complaint And (II) Counterclaims And Crossclaim By DPH Holdings Corp. (Formerly Known As Delphi Corporation) filed on behalf of State of Michigan Funds Administration, State of Michigan Workers Compensation Insurance Agency (Ad. Pro. Case No. 09-01510 Docket No. 26)*

*Answer to Counterclaim filed on behalf of ACE American Insurance Company, Pacific Employers Insurance Company (Ad. Pro. Case No. 09-01510 Docket No. 36)*

*Defendants Michigan Workers' Compensation Agency's And Michigan Funds Administration's Brief In Support Of Joint Amended Motion To Dismiss Plaintiffs' Adversary Complaint*

*And DPH Holdings Crossclaim For Failure To State A Claim, Lack Of Jurisdiction, And In The Alternative, For Abstention (Ad. Pro. Case No. 09-01510 Docket No. 44)*

*Order (I) Denying Defendants Michigan Workers' Compensation Agency's And Michigan Funds Administration's Joint Motion To Dismiss For Lack Of Jurisdiction And In The Alternative, For Abstention And (II) Denying In Part Defendants Michigan Workers' Compensation Agency's And Michigan Funds Administration's Joint Amended Motion To Dismiss Plaintiffs' Adversary Complaint And DPH Holdings Crossclaim For Failure To State A Claim, Lack Of Jurisdiction, And In The Alternative, For Abstention (Ad. Pro. Case No. 09-01510 Docket No. 69)*

*Order Granting In Part And Denying In Part Plaintiffs' Emergency Motion Pursuant To 11 U.S.C. § 105(a) And Federal Rules Of Bankruptcy Procedure 7065 For An Injunctive Order (Ad. Pro. Case No. 09-01510 Docket No. 142)*

*(I) Answer to Complaint, (II) Counterclaim against all plaintiffs filed on behalf of State of Michigan Funds Administration, State of Michigan Workers' Compensation Insurance Agency (Ad. Pro. Case No. 09-01510 Docket No. 144)*

*Response/Statement of Michigan Workers' Compensation Agency and Michigan Funds Administration with Respect to "Cross-Claim" of DPH Holdings (Ad. Pro. Case No. 09-01510 Docket No. 145)*

*Letter dated August 30, 2012 filed on behalf of State of Michigan Funds Administration, State of Michigan Workers' Compensation Insurance Agency (Ad. Pro Case No. 09-01510 Docket No. 146)*

*Status:*

*Pursuant to the agreement of the parties, the hearing will go forward as a status conference, and the matter is adjourned to the October 16, 2012 Omnibus Hearing.\**

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\* On January 26, 2010, the Court entered an order denying in part the Michigan Defendants' Amended Motion To Dismiss. The portion of the motion that seeks to dismiss Plaintiffs' Complaint and DPH Holdings Corp.'s crossclaim for failure to state a claim upon which relief can be granted under Fed. R. Bankr. P. 7012(b) and Fed. R. Civ. P. 12(b)(6) was adjourned to a future date. (Ad. Pro. Case No. 09-01510 Docket No. 69 ¶ 2.) Only that portion of the motion remains.

3. **"Michigan Plaintiffs' Motion for Summary Judgment"**- Plaintiffs' ACE American Insurance Company and Pacific Employers Insurance Company's Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 38)

*Responses Filed:* *Affidavit of Kevin A. Elsenheimer In Support of Defendants Michigan Funds Administration and State of Michigan Workers' Compensation Insurance Agency's Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 149)*

*Declaration of Richard G. Haddad, Esq. In Support of Defendants State of Michigan Workers' Compensation Agency's and State of Michigan Funds Administration's Motion For Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 150)*

*Memorandum of Law of Michigan Workers' Compensation Agency and Michigan Funds Administration in Support of Their Motion For Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 151)*

*Defendants State of Michigan Workers' Compensation Agency's and State of Michigan Funds Administration's Responses to Plaintiffs' Rule 7056-1 Statement and Statement of Disputed Facts That Precludes Summary Judgment in Favor of Plaintiffs (Ad. Pro. Case No. 09-01510 Docket No. 152)*

*Replies Filed:* None.

*Related Filings:* *Motion for Summary Judgment Notice filed on behalf of ACE American Insurance Company, Pacific Employers Insurance Company (Ad. Pro. Case No. 09-01510 Docket No. 37)*

*Motion for Summary Judgment Statement of Undisputed Facts filed on behalf of ACE American Insurance Company, Pacific Employers Insurance Company (Ad. Pro. Case No. 09-01510 Docket No. 39)*

*Motion for Summary Judgment Memorandum of Law filed on behalf of ACE American Insurance Company, Pacific Employers Insurance Company (Ad. Pro. Case No. 09-1510 Docket No. 40)*

*Motion for Summary Judgment Statement of Undisputed Facts filed on behalf of ACE American Insurance Company Pacific Employers Insurance Company (Ad. Pro. Case No. 09-1510 Docket No. 41)*

*Status: Pursuant to the agreement of the parties, the hearing will go forward as a status conference, and the matter is adjourned to the October 16, 2012 Omnibus Hearing.*

4. **"Michigan Defendants' Cross Motion for Summary Judgment"** - Notice of Defendants Michigan Workers' Compensation Agency and Michigan Funds Administration's Motion For Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 147)

*Responses filed: None.*

*Replies filed: None.*

*Related filings: Statement of Undisputed Facts /Defendants State of Michigan Workers' Compensation Agency and State Michigan Funds Administration's Statement Pursuant to Local Rule 7056-1 of Undisputed Facts in Support of Their Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 148)*

*Affidavit of Kevin A. Elsenheimer on behalf of State of Michigan Funds Administration, State of Michigan Workers' Compensation Insurance Agency (Ad. Pro. Case No. 09-01510 Docket No. 149)*

*Declaration of Richard G. Haddad, Esq. In Support of Defendants State of Michigan Workers' Compensation Agency's and State of Michigan Funds Administration's Motion For Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 150)*

*Memorandum of Law of Michigan Workers' Compensation Agency and Michigan Funds Administration in Support of Their Motion For Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment (Ad. Pro. Case No. 09-01510 Docket No. 151)*

*Status: Pursuant to the agreement of the parties, the hearing will go forward as a status conference, and the matter is adjourned to the October 16, 2012 Omnibus Hearing.*

Dated: New York, New York  
September 12, 2012

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